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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/585,679

05/16/2007

Friedhelm Gunther

GOTZF 159

6537

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08/21/2009

KREMBLAS, FOSTER, PHILLIPS & POLLOCK
7632 SLATE RIDGE BOULEVARD
REYNOLDSBURG, OH 43068

EXAMINER

VERLEY, NICOLE T

ART UNIT

PAPER NUMBER

3616

NOTIFICATION DATE

DELIVERY MODE

08/21/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
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| Office Action Summary | Application No. 10/585,679 | Applicant(s) GUNTHER, FRIEDHELM | |
| | Examiner NICOLE VERLEY | Art Unit 3616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 1-32 and 39-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-37 and 54 is/are rejected.
- 7) ☒ Claim(s) 38 and 55-57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/7/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 1-32 and 39-53 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 1, 2009.

Applicant's election without traverse of Species I - Figures 1-5 in the reply filed on July 1, 2009 is acknowledged.

Claim Objections

Claim 33 is objected to because of the following informalities:

Line 7 "characterised" should be --characterized--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-37 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Frederick et al. (United States Patent Number 3,585,875).

Frederick discloses in figures 1-4 a motor-vehicle steering gear, in which within a gear housing (6) a rack (1) is in engagement with a driving pinion (3), and having at least one pressure member (4) with a receiving concavity, whose concave wall (5)

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surrounds a guide passage for axial guiding of the rack (9), wherein radial forces emitted from the wall may be generated by means of at least one translationally displaceable wedge device (9, 11) for pressing the rack received in the guide passage on to the driving pinion engaging therein (regarding claim 33). The pressure member partially cylindrical basic shape, wherein the shell opening or concave open partial cylinder face (5) faces the guide passage (regarding claim 34). At least one of the wedge devices (9, 11) is formed with two complementary slopes which are allocated to one another for abutment and which are displaceable relative to one another, characterized in that the one slope (9) is formed on an outer face or outer casing of the pressure member and the other slope (11) is formed on an opposing inner face or opposing inner casing of the housing (10) (regarding claim 35). the pressure member has one or more slopes (9) on an end edge or in another end region (extends from one edge to the opposite edge) (regarding claim 36) and the pressure member is displaceably guided on one or more support means (10) which project from the housing inner wall (regarding claim 37). One or more slopes (11) formed on the housing inner face, rise or fall relative to an axially parallel direction (regarding claim 54).

Allowable Subject Matter

Claims 38 and 55-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yang (US Patent No. US-6,921,096 B2), Da Forno (GB 2032573), Kataoka (JP 58020561A).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICOLE VERLEY whose telephone number is (571)270-3542. The examiner can normally be reached on 8:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. V./
Examiner, Art Unit 3616

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/Paul N. Dickson/

Supervisory Patent Examiner, Art Unit 3616